

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 610**

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**Introduced by Assembly Member Achadjian**

February 20, 2013

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An act to amend Section 4117 of the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL’S DIGEST

AB 610, as amended, Achadjian. State hospitals: involuntary treatment.

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of nontreatment costs, to be submitted to the State Department of State Hospitals and the Controller, respectively, when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill would make these provisions applicable to hearings for an order seeking involuntary treatment of a person confined in a state hospital with psychotropic medication or other medication for which an order is required.

Existing law authorizes a district attorney to file a petition for continued involuntary treatment for one year of a prisoner who refused to agree to treatment as part of parole, if the prisoner’s severe mental disorder is not in remission or cannot be kept in remission without

treatment and the prisoner represents a substantial danger of physical harm to others.

This bill, would require the nontreatment costs associated with petitions brought for continuing involuntary treatment under this provision to be paid by the county of commitment, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4117 of the Welfare and Institutions Code  
2     is amended to read:  
3     4117. (a) Whenever a trial is had of any person charged with  
4     escape or attempt to escape from a state hospital, whenever a  
5     hearing is had on the return of a writ of habeas corpus prosecuted  
6     by or on behalf of any person confined in a state hospital except  
7     in a proceeding to which Section 5110 applies, whenever a hearing  
8     is had on a petition under Section 1026.2, subdivision (b) of Section  
9     1026.5, Section 2966, ~~and~~ or Section 2972 of the Penal Code,  
10    Section 7361 of this code, or former Section 6316.2 of this code  
11    for the release of a person confined in a state hospital, whenever  
12    a hearing is had for an order seeking involuntary treatment of a  
13    person confined in a state hospital with psychotropic medication  
14    or other medication for which an order is required, and whenever  
15    a person confined in a state hospital is tried for a crime committed  
16    therein, the appropriate financial officer or other designated official  
17    of the county in which the trial or hearing is had shall make out a  
18    statement of all mental health treatment costs and shall make out  
19    a separate statement of all nontreatment costs incurred by the  
20    county for investigation and other preparation for the trial or  
21    hearing, and the actual trial or hearing, all costs of maintaining  
22    custody of the patient and transporting him or her to and from the  
23    hospital, and costs of appeal, which statements shall be properly  
24    certified by a judge of the superior court of that county and the  
25    statement of mental health treatment costs shall be sent to the State  
26    Department of State Hospitals and the statement of all nontreatment  
27    costs, except as provided in subdivision (c) with respect to petitions  
28    brought pursuant to Section 2970 of the Penal Code, shall be sent  
29    to the Controller for approval. After approval, the department shall  
30    cause the amount of mental health treatment costs incurred on or

1 after July 1, 1987, to be paid to the county mental health director  
2 or his or her designee where the trial or hearing was held out of  
3 the money appropriated for this purpose by the Legislature. In  
4 addition, the Controller shall cause the amount of all nontreatment  
5 costs incurred on and after July 1, 1987, to be paid out of the money  
6 appropriated by the Legislature, to the county treasurer of the  
7 county where the trial or hearing was had.

8 (b) Commencing January 1, 2012, the nontreatment costs  
9 associated with Section 2966 of the Penal Code and approved by  
10 the Controller, as required by subdivision (a), shall be paid by the  
11 Department of Corrections and Rehabilitation pursuant to Section  
12 4750 of the Penal Code.

13 (c) Commencing January 1, 2014, the nontreatment costs  
14 associated with petitions brought pursuant to Section 2970 of the  
15 Penal Code, *as provided in subdivision (a)*, shall be paid by the  
16 county of commitment in accordance with the provisions of Section  
17 5110. As used in this subdivision, “county of commitment” means  
18 the county seeking the continued treatment of a mentally disordered  
19 offender pursuant to Section 2970 of the Penal Code.

20 (d) (1) Whenever a hearing is held pursuant to Section 1604,  
21 1608, 1609, or 2966 of the Penal Code, all transportation costs to  
22 and from a state hospital or a facility designated by the community  
23 program director during the hearing shall be paid by the Controller  
24 as provided in this subdivision. The appropriate financial officer  
25 or other designated official of the county in which a hearing is  
26 held shall make out a statement of all transportation costs incurred  
27 by the county. The statement shall be properly certified by a judge  
28 of the superior court of that county and sent to the Controller for  
29 approval. The Controller shall cause the amount of transportation  
30 costs incurred on and after July 1, 1987, to be paid to the county  
31 treasurer of the county where the hearing was had out of the money  
32 appropriated by the Legislature.

33 (2) As used in this subdivision, “community program director”  
34 means the person designated pursuant to Section 1605 of the Penal  
35 Code.